

**ENFORCEMENT
COURT***Det
rossetto*

**SUPERIOR COURT OF NEW JERSEY
ESSEX VICINAGE
BENCH WARRANT**

State of New Jersey

vs.

Name: Albert Florence

Ind./Acc./CDR #

98 OT-016571

Charge

30th degree Prosecution.

PG #

98000062

Def. #

001

Trial List

Falcom, J

AKA: _____

Failure to Appear for: Enforcement*G*

TO THE SHERIFF OF ESSEX COUNTY OR ANY LAW ENFORCEMENT
OFFICER IN NEW JERSEY:

YOU ARE ORDERED TO TAKE INTO CUSTODY THE ABOVE DEFENDANT:

Address: 1146 Schmidt Lane
NO. Brunswick
NY 08902

DOB: 09/29/75
SSN: 153-84-7115
SBI: _____
FBI: _____
BCI: _____

AND BRING HIM/HER BEFORE THE SUPERIOR COURT:

SITTING IN: **ESSEX SUPERIOR COURT
50 WEST MARKET STREET
NEWARK, N. J. 07102**

Issue Date: 4/25/03

2003 MAY - 5

RECEIVED B.C.I.
SHERIFFS OFFICE
ESSEX COUNTY, N.J.

Joseph A. Lisi ^A
JUDGE OF THE SUPERIOR COURT ⁵⁹Court Clerk: Crystal DerbyExecution Date: 1/1/03

Executed By: _____

Arresting Agency: _____

Defendant Detained At: _____

4765-03S

Page: 1 Document Name: Untitled

Warrant issued 4/25/03
last payment made 4/29/03 -
fines are paid in full

Page: 1 Document Name: Untitled

CLIENT NAME: FLORENCE, ALBERT

CLIENT ID : F 0004610

| S | DATE PAID | AMOUNT PAID | PAYMT TYPE | PAYOR | PYMT STATUS | PYMT VENUE |
|---|------------|-------------|------------|-------|-------------|------------|
| = | | | | | ===== | ===== |
| | 04/29/2003 | 1,310.00 | PERSONAL C | | ALLOCA | ESX |
| | 12/10/2002 | | NON CASH | | COURT | ESX |
| | 12/10/2002 | | NON CASH | | COURT | ESX |
| | 06/17/2002 | 100.70 | TAX OFFSET | | ALLOCA | ESX |
| | 07/20/2000 | 25.00 | CASH | | ALLOCA | ESX |
| | 05/31/2000 | 50.00 | CASH | | ALLOCA | ESX |
| | 04/20/2000 | 50.00 | CASH | | ALLOCA | ESX |
| | 01/24/2000 | 50.00 | CASH | | ALLOCA | ESX |
| | 11/17/1999 | 10.00 | CASH | | ALLOCA | ESX |

END OF LIST

REO PAYMENT INQUIRY

PF7 - PRIOR

PF8 - NEXT

4-6

1 Sess - 1

172.16.1.27

TESS0233

3 / 77

PROBATION DIVISION
COUNTY OF ESSEX
Or

Attorney for Judgment Creditor

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL

RECD

MAR 01 2005

District No. Colesx-2

STATE OF NEW JERSEY

Plaintiff

Indictment No. 98-04-01657-1

Vs.

Albert Florence
Defendant

Accusation No.

1146 Schmidt Lane

Complaint No.

Street Apt.

Probation No. F-4610

North Brunswick, New Jersey 08902

Judgment # 265656-01

City State Zip Code

Total Amt. Of Judgment \$1,574.00

Donald K. Relan
Clerk

WARRANT TO SATISFY JUDGMENT

TO THE CLERK OF THE SUPERIOR COURT:

Whereas Judgment was entered in the above entitled action in favor of the creditors named in the Judgment of Conviction and against the defendant as appears by the record there of in:
Judgment Docket Number J# 265656-01

NOW THEREFORE this is your Warrant and authority to enter on the aforesaid record this Satisfaction of Judgment.

Dated: 10-10-03

Peter P. Conerly
ATTORNEY FOR JUDGMENT CREDITOR or VICINAGE CHIEF PROBATION OFFICER

CERTIFICATION (Complete when warrant is executed by the attorney for the Creditor)

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated:

ATTORNEY FOR JUDGMENT CREDITOR or VICINAGE CHIEF PROBATION OFFICER

ACKNOWLEDGMENT (Complete when warrant is executed by Vicinage Chief Probation Officer)

STATE OF NEW JERSEY:COUNTY OF ESSEX

Be it remembered that on 10.10.03, before me the subscriber

Personally appeared Peter P. Conerly, Vicinage Chief Probation Officer

Of the Probation Division of the COUNTY OF ESSEX WHO, I AM satisfied, is the person named in, and who executed the foregoing instrument, and acknowledges that he/she signed, sealed and delivered the same as his/her act and deed, and as the act and deed of the Probation Division named in the instrument for the use and purpose therein expressed.

William R. Russell
ATTORNEY AT LAW or NOTARY PUBLIC
My commission expires: _____

NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Aug. 3, 2007

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEW JERSEY
2 DOCKET NO. 05cv3619

3

4 ALBERT FLORENCE,

5 Plaintiff,

-vs-

6 BOARD OF CHOSEN FREEHOLDERS
7 OF THE COUNTY OF BURLINGTON;
BURLINGTON COUNTY JAIL;
8 WARDEN JUEL COLE,
INDIVIDUALLY AND OFFICIALLY
9 AS WARDEN OF BURLINGTON
COUNTY JAIL; ESSEX COUNTY
10 CORRECTIONAL FACILITY, ESSEX
COUNTY SHERIFF'S DEPARTMENT;
11 STATE TROOPER JOHN DOE INDIVIDUALLY
AND IN HIS CAPACITY AS A STATE
12 TROOPER, & JOHN DOES 1-3 OF
BURLINGTON COUNTY CORRECTIONAL
13 FACILITY WHO PERFORMED THE
STRIP SEARCHES, & JOHN DOES 4-5,

14

Defendants.

15

16 DEPOSITION OF ALBERT FLORENCE taken

17 by and before ADRIENNE E. TISDALE-SCOTT, a

18 Certified Shorthand Reporter and Notary Public

19 of the State of New Jersey, at the offices of

20 MICHAEL CALABRO, 466 Bloomfield Avenue, Newark,

21 New Jersey, on Friday, December 22, 2006,

22 commencing at 10:21 forenoon.

23

24 DEGNAN & BATEMAN
219 Black Horse Pike
Haddon Heights, New Jersey 08035
25 (856) 547-2565

fl orence-122206

2

3 MICHAEL V. CALABRO
4 BY: SUSAN CHANA LASK, ESQ.
466 Bloomfield Avenue
5 Newark, New Jersey 07107
(973) 482-1085
6 Representing the Plaintiff

7 PARKER McCAY, P. A.
8 BY: KAREN SAVAGE, ESQ.
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10 Marlton, New Jersey 08053-0974
(856) 596-8900
11 Representing the Defendant,
Burlington

12 ALAN R. RUDDY, ESQ.
13 ASSISTANT COUNTY COUNSEL
465 Dr. Martin Luther King Boulevard
14 Newark, New Jersey 07102
(973) 621-5021
15 Representing the Defendant,
Essex

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I N D E X

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3 WITNESS

PAGE

1 APPEARANCES:

2

3 MICHAEL V. CALABRO
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8 Representing the Plaintiff

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24 Representing the Defendant,
25 Essex

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Albert Florence

1 A. My wife's parents house.

2 Q. Where is that?

3 A. That's in Mount Holly as well, as

4 known as Westhampton. They're known as two

5 different locations, two Cs.

6 Q. Do you know their address?

7 A. 67 Cypress Point Road.

8 Q. Do they still live there?

9 A. Yes.

10 Q. What time of day was it?

11 A. Evening.

12 Q. When you say evening, before or

13 after six p.m.?

14 A. After six.

15 Q. Do you have an approximate time?

16 A. Approximately 7:30.

17 Q. Who was driving?

18 A. My wife.

19 Q. Was anyone else in the car?

20 A. My son Shamar and my wife was

21 pregnant so.

22 Q. Why don't you tell me what

23 happened.

24 A. My wife was driving on 295, I-295

25 South. And as we were getting off the exit or

Albert Florence

1 before we got off the exit we noticed a State
2 Trooper was following us so we proceeded to go
3 on C-630, and about a mile off the exit the
4 Trooper put his lights on and motioned for us to
5 pull over.

6 Q. And then what happened?

7 A. He took a good five to seven
8 minutes to come out of the car, which I've been
9 stopped a lot of times and that was a long time
10 to come out the car, so my wife, and I was
11 wondering why he was taking so long to come out
12 of his patrol car.

13 Q. Did she stop right away when she
14 saw the lights?

15 A. Yes.

16 Q. Then what happened?
17 A. The officer came to my side of the
18 vehicle. I was on the passenger side and he
19 asked my wife for her driver's license,
20 registration and the insurance card.

21 Q. Was your wife a licensed driver?

22 A. Yes.

23 Q. So what happened then?

24 A. He then asked me whose vehicle
25 does this belong to and my wife told him it's my

Albert Florence

1 A. The officer then told me why he
2 put me in handcuffs.

3 Q. What did he say?

4 A. He says that there's a warrant out
5 for my arrest.

6 Q. How did you respond to that?

7 A. I said what warrant? Why would
8 you pull me over, and why is there a warrant for
9 my arrest, and he told me to sit in the back of
10 his patrol car.

11 Q. Was it just one State Trooper?

12 A. No, at that time that I was in the
13 back of his car sitting another pulled up.

14 Q. After he told you to sit in the
15 back of his patrol car, what did he do?

16 A. At that point my wife was yelling
17 and crying and talking to the Trooper trying to
18 find out why I was in the back of the car and
19 why we were pulled over and like what is going
20 on. So the State Trooper told my wife what was
21 going on, and I could hear the conversation
22 because they were right in front of the car
23 door. So I told my wife to look into the glove
24 compartment and get out the letter that I got
25 from the state.

Albert Florence

1 Q. Did she do so?

2 A. Yes.

3 Q. Did she show it to the police

4 officer or to the State Trooper?

5 A. Yes.

6 Q. What happened at that juncture?

7 A. The State Trooper reviewed it. He

8 motioned for the other gentleman to come over

9 because at that particular time the other

10 gentleman was trying to calm my wife down. She

11 was pregnant. She was crying, and she was

12 hysterical, crazed because she didn't understand

13 the circumstances of what was happening. So the

14 officer I could see him look at it with his

15 flashlight reviewing it. I do recall him

16 radioing in. He was always on his radio talking

17 to someone else on the other end, I guess

18 waiting for instruction or trying to find out

19 what to do at the next point.

20 Q. What happened -- then what

21 happened?

22 A. After that the officer -- both

23 officers explained to my wife we have to take

24 him in, we have to take him into custody. I do

25 remember him saying to my wife this will be all

Albert Florence

1 over in a day. They'll release him once this is
2 all clarified. When this is all cleared he'll
3 be released in a day.

4 Q. Do you recall what day of the week
5 this was?

6 A. It was a Thursday.

7 Q. So what happened thereafter?

8 MR. RUDDY: Could I just ask about
9 the letter because I don't think he's
10 explained what his letter is.

11 MS. SAVAGE: Yeah, I'll -- thank
12 you.

13 Q. Actually what was the letter that
14 you showed to the police officer?

15 A. It was a letter of satisfaction.

16 MS. SAVAGE: Could you mark that as
17 Exhibit 1 please.

18

19 (Whereupon, Exhibit D-1 was received
20 and marked for identification.)

21

22 Q. Mr. Florence, I'm showing you what
23 has been marked as Exhibit D-1. Is this the
24 paper that you showed the police officer --
25 that your wife showed the police officer that

Albert Florence

1 you had in your glove box?

2 A. Yes.

3 Q. Was it a photocopy as well or was

4 it the original document?

5 A. I believe it was a photocopy. If

6 I remember it was a photocopy.

7 Q. Do you still have that actual

8 document?

9 A. That was all given back to my

10 wife. I would have to ask her. I'm sure I do.

11 MS. LASK: Just for the record, we

12 produced it to everybody the copy of

13 whatever it was.

14 MS. SAVAGE: No. My question is if

15 he has the original one that he had folded

16 up in this glove box.

17 MS. LASK: Oh.

18 MS. SAVAGE: That's my question.

19 A. After this all happened whatever

20 documents that I did have, like Susan said, it

21 was all circulated and recirculated like

22 everywhere, so I'm not sure where that actual

23 document that was folded where that is. I'm

24 sure I didn't throw it out or anything.

25 MR. RUDDY: I thought your question

2 A. That stopped and you went around
3 the corner and that's where your shower was.

4 MS. LASK: Can you talk in terms of
5 feet? Can you describe it in terms of
6 feet? You're like what six feet tall?

7 A. Six-four. So I would say the
8 shower, the actual entrance into it was about
9 I'd say about eight feet.

10 MR. RUDDY: Eight feet long. Went
11 eight feet long like from there eight feet
12 in?

13 THE WITNESS: Yeah.

14 Q. So once you enter the stall what
15 happened at that point?

16 A. Once I enter the stall a Caucasian
17 gentleman came and instructed me to put my
18 items, my personal items on the bench and to
19 take off all my belongings and put them, you
20 know, put them on the bench.

21 Q. What specifically did he say?
22 Tell me exactly what he told you.

23 A. He told me to -- he said I need
24 you to take off all your clothes.

25 Q. Yes.

Albert Florence

1 A. And then as -- after I took off my
2 clothes he asked me if I had anything in my
3 mouth, told me to open my mouth. I opened my
4 mouth, he asked me to lift up my tongue. I
5 lifted up my tongue. He told me to have my hand
6 at shoulder length. That's all. Told me to
7 turn, 360 turn, so I turned all the way around.
8 He said, okay, you can drop your hands down, and
9 he instructed me to lift up my genitals which at
10 that point even being in front of a man I have
11 never been in front of a man who's, you know,
12 being seen naked in front of a man so being
13 naked in front of someone especially a guy
14 especially what I was going through and what was
15 inside of my head I was a little freaked out
16 about it.

17 MR. RUDDY: Could you describe this
18 gentleman?

19 THE WITNESS: Average height. Six
20 foot height, very -- not obese. He was
21 very obese.

22 MR. RUDDY: Very obese, fat?

23 THE WITNESS: Yes, short hair.

24 MR. RUDDY: Did he have a full
25 uniform on?

Albert Florence

1 THE WITNESS: He was -- it kind of
2 seemed weird. At that point it didn't seem
3 like -- he didn't look like a cop because
4 you really didn't see. He didn't have on a
5 tie. I couldn't really see his actual
6 badge or I didn't see a gun.

7 MR. RUDDY: So he was in plain
8 clothes you would say?

9 THE WITNESS: I wouldn't say he was
10 in plain clothes. He was in uniform, but
11 he didn't look like he was an actual cop
12 because he didn't have, you know -- he was
13 very disheveled in terms of his appearance.

14 MR. RUDDY: If I might, Karen, one
15 follow-up on that. When you say he's in
16 uniform what do you mean by he was in
17 uniform?

18 THE WITNESS: Meaning that he had a
19 uniform on but he didn't look like he was
20 an actual police officer because I didn't
21 see a gun. I didn't see an actual badge or
22 any of those decals that they wear on their
23 shirts. I just saw something that said
24 Burlington County and that was it.

1 after he looked you over what happened at that
2 juncture?

3 A. He looked me over and then he told
4 me to -- he said you are going to shower up.
5 You can lather up or if you want you can just
6 rinse off. I wanted to kind of rinse off and
7 just kind of take it all in because a shower
8 kind of calms me down and I remember taking, you
9 know, advantage of, you know, a couple extra
10 minutes.

11 Q. Now, when he told you to take a
12 shower, did he give you soap?

13 A. No.

14 Q. Was soap already there?
15 A. He just gave me a towel and the
16 orange jumpsuit. I remember asking him what
17 should I do with my boots, and he said just put
18 your boots underneath the bench, and once you
19 are fully clothed you could put your boots back
20 on.

21 Q. And once he directed you to the
22 shower where -- did he stay with you?

23 A. No. At that point I couldn't even
24 see if he was still there or not because that
25 shower is -- it's the neck area in. You can't

1 even see the opening anymore.

2 Q. Were you given any type of liquid
3 gel, essentially, delousing agent?

4 A. What is that?

5 Q. Were you given a liquid in a cup
6 essentially by an officer to put on your hair
7 and body hair?

8 A. No, he told me to shower up, and
9 he said if you'd like there's soap there, and
10 that's the soap I used.

11 MR. RUDDY: Do you mean what he did
12 when you were showering?

13 THE WITNESS: No, at that point I
14 couldn't see. After he finished observing,
15 you know, looking at me with no clothes on,
16 naked, I just wanted to get away from him
17 as quickly as I could.

18 Q. After you showered, what did you
19 do?

20 A. I dried, I dried off. I put my
21 underwear back on.

22 Q. Was anybody in that room at that
23 point in time?

24 A. No. I put my underwear back on.
25 The actual curtain was partially ajar so in

1 innocence. I would tell everybody -- I'm
2 telling everybody I shouldn't be here, I'm
3 stripped naked in Burlington and I'm starting to
4 get that same anxiety in that room because I saw
5 the same thing playing back over again, so I
6 just stayed in that room with the 10 or 12 other
7 individuals to be called in the next room.

8 Q. What happened in the next room?

9 A. You stand in a line, step by step
10 they individually photograph you and computerize
11 fingerprint you, and in that next room -- it's a
12 room similar to this. It's like I said, it's a
13 line and they call the next person, okay. This
14 person you go over there take a picture. The
15 next person it's like three or four officers and
16 they are either performing different tasks.

17 Q. Are you wearing clothes?

18 A. Yes.

19 MR. RUDDY: Could we describe the
20 length of the room? Do you have an
21 estimate of how big?

22 A. I would say double the size of
23 this room. It was a pretty big facility because
24 there were three different lines. There was a
25 line here of computers, a line of computers and

1 another line and you sat, you actually sat down
2 in a chair and someone sat across, an officer
3 sat across from you.

4 MS. LASK: So we are saying double
5 the size. Could we establish this room is
6 about 20 feet long?

7 MS. SAVAGE: Yes.

8 MR. RUDDY: This would be 40ish.

9 MS. LASK: Okay.

10 Q. So then after you were
11 fingerprinted what happened at that juncture?

12 A. At that juncture you'd be going
13 your way in another waiting area. There are
14 phones there, like different partitions.

15 There's a partition here and there's like maybe
16 three or four phones at each particular
17 partition. The partitions are all set up.

18 Q. You are describing partitions
19 placed throughout the room?

20 A. Yes.

21 Q. Okay. And are you able to freely
22 use those phones?

23 A. Yes.

24 Q. So did you use those phones?

25 A. Yes.

1 A. That was the first phone call.

2 Q. How long were you in that room?

3 A. I'd say I was in the room 20

4 minutes, 25 minutes.

5 Q. What happened thereafter?

6 A. Afterwards we were directed to the

7 next part of Essex County where there's a

8 separate -- five separate closets, if you would,

9 and each particular closet there was a shower in

10 that particular closet so they would call us up

11 in groups of five and the first five will come,

12 they enter in the room, they would take all

13 their clothes off, they would shower. They

14 would come out and then there were two other

15 officers that were on like a partition or

16 podium. They were above, you know, the inmates

17 and they were instructed inmates on what to do.

18 When I went and I took my shower I was actually

19 -- the thing that stuck out of my mind was they

20 once -- before I even got into the shower that

21 they actually were handed out bags of like

22 toothpaste and the comb I got and a toothbrush

23 and a soap. I was kind of satisfied because,

24 you know, I didn't brush my teeth in a while,

25 definitely hadn't showered in a while, so that

1 was probably the lone bright spot other than
2 sitting.

3 Q. Now there were five separate
4 showers?

5 A. Yes.

6 Q. And were you just told to go in
7 and shower?

8 A. The officers. Not just me but the
9 officers, the officer told the five of us to go
10 in, you are going to strip all the way down, you
11 are going to shower, you are going to come out
12 and then we'll instruct you what to do
13 afterwards.

14 Q. And when you came out were you
15 clothed when you came out?

16 A. No. When I came out fully naked
17 and showered already.

18 Q. Along with the other four
19 individuals?

20 A. Yes.

21 Q. After you did that, what did they
22 instruct you to do?

23 A. The instructor asked us all to
24 open our mouths, asked if anyone had anything
25 foreign in their mouth, any substance at all in

1 their mouth. He then asked us to lift our
2 genitals. It was kind of -- it was painful
3 because, you know, as he was telling me this I
4 kept visualizing being stripped naked at
5 Burlington and now being stripped naked at Essex
6 so I kind of froze for a second and I could see
7 the guy looking at me like, hello, let's get
8 with it. So I continued to do what he said,
9 open my mouth. They instructed us to lift up
10 our arms shoulder length again all right when he
11 turned around at this particular point which was
12 a little uncomfortable as well he told us to
13 turn around. He started together a complete 360
14 once our backs faced him all to squat and to
15 cough and then we had to turn back around again.

16 Q. Had they asked you to do that in
17 Burlington?

18 A. In Burlington I was not asked to
19 do that.

20 Q. And after that was completed after
21 you were asked to squat and cough what did you
22 do?

23 A. Afterwards we stood there. It was
24 kind of eerie because we were just standing
25 there while these officers were like peering

1 you.

2 Q. How many officers?

3 A. Two.

4 Q. They were looking at you and you

5 were just looking and you almost --

6 A. You spot one guy and you peak to
7 your left and one guy is kind of staring at the
8 other guy. You peak to your right and the other
9 guy is staring at you, that was very
10 uncomfortable. Like an uncomfortable
11 experience, you know, because I had those same
12 feelings even though it was one guy at
13 Burlington I had those same feelings at Essex
14 like, you know, these officers they really don't
15 care about you. They are looking at you, it's
16 fun to them. It's a game to them. It was very
17 uncomfortable to be stripped, especially
18 stripped naked and having men look at you and
19 grown men like your father. You can kind of
20 visualize your father.

21 Q. At what point? Well, what

22 happened thereafter?

23 A. After that they gave us jumpsuits
24 again, and it was weird because they kind of
25 gave you bubble gum shoes. Actually sailor

Albert Florence

1 shoes, thick soles, and he gave us those, and we
2 went onto the next process which was to see the
3 nurse.

4 Q. And the nurse did an evaluation?

5 A. They did an evaluation and
6 something that was weird too. She gave me a
7 shot which was I believe it was for TB or
8 something she says. If you are going to be in
9 general population you have to have a shot so
10 you don't risk infecting anybody if you are
11 infected yourself.

12 Q. And were you put into a general
13 population at that point in time?

14 A. At that point in time it was
15 Wednesday evening heading into Thursday morning
16 so what they did they took us to the jail, they
17 assigned us to the rooms and at that point we
18 went to bed.

19 Q. Were you in a cell by yourself?

20 A. No, I was with another inmate.

21 Q. Do you remember his name?

22 A. No, I don't recall his name.

23 Q. Were you given bedding?

24 A. Yes, I was provided with bedding.

25 Q. And when did you then leave? When

1 and I can tell that, you know, they enjoyed
2 being there. If you are smiling and you
3 are incarcerated you kind of -- you're
4 happy with your surroundings and I wasn't
5 happy with my surroundings. I wasn't happy
6 at all with my strip search.

7 MR. RUDDY: You want me to wait?

8 MS. SAVAGE: Why don't I finish up
9 and you can.

10 MR. RUDDY: Okay.

11 MS. SAVAGE: You can go.

12 Q. So when you went before -- so you
13 were brought to court?

14 A. I was brought to court in a van
15 which was very uncomfortable because I'm a fall
16 guy so you can imagine being chained leg to leg
17 and they release your ankles once you get to the
18 van I guess for safety purposes but you are
19 still chained up and this time they actually
20 chain you and you are like this. You are

21 sitting next to each other and I remember the
22 van.

23 MS. LASK: How do they chain you?

24 She's typing it.

25 A. They chain you where your hands

1 gentleman average look to him, had a mustache,
2 that's about it. I remember them saying they
3 got lost coming from Cracker Barrel because they
4 ate.

5 Q. How about the officer that you
6 said oversaw the search that you had in entering
7 the Essex County jail, do you remember?

8 A. The strip search.

9 Q. You characterize it as a strip
10 search.

11 A. Describe him?

12 Q. Yes.

13 A. His appearance?

14 Q. Yes.

15 A. A big guy. Wouldn't say burly. I
16 would say obese, short hairdo, dishevelled
17 appearance, didn't look as professional as some
18 of the other officers in the room.

19 MS. LASK: Talking about Essex
20 County?

21 MR. RUDDY: Yes.

22 A. No, I'm describing Burlington.

23 Q. No, I asked Essex County.

24 A. Okay. Repeat your question.

25 Q. The fellow who oversaw the process

1 of you getting undressed at the Essex County

2 jail, do you remember what he looked like?

3 A. There were two gentleman. There

4 were two officers.

5 Q. Could you describe him?

6 A. One had glasses and they both were

7 African-American.

8 Q. Could you approximate ages for me?

9 A. Couldn't approximate. I didn't

10 see the whole -- like the whole built. I just

11 saw their face coming from the torso up.

12 Q. I presume you're a relatively

13 young man, they were older than you?

14 A. They were older than me.

15 Q. Did you have any conversation with

16 them?

17 A. No.

18 Q. Now while you were in either jail,

19 did you hear any news or any information

20 concerning Essex County, Essex County's

21 treatment of your arrest?

22 A. I don't think I understand your

23 question.

24 Q. I'll start with Burlington. Aside

25 from what you already testified of different

1 together, collectively not necessarily?

2 A. No.

3 Q. You were never in any place like

4 that?

5 A. No.

6 Q. Never?

7 A. No.

8 Q. Now did any officer in either

9 county make any comments about your body while

10 you were naked?

11 A. To me?

12 Q. Yes.

13 A. No, the only thing that was

14 troubling other than being naked and being

15 stripped was as you were being looked at at

16 Essex County by the two officers or that podium.

17 They would look at each other, you know, kind of

18 visual to each other and whisper something, and

19 I don't know if they were talking about bodies

20 per se in terms of being who was being stripped

21 and being searched or naked or what have you,

22 but I can recall them looking at each other.

23 Q. But you didn't hear what they

24 said?

25 A. No, I did not.

1 Q. Okay. And there was like five
2 individuals?

3 A. Side by side.

4 Q. Side by side, and if there were in
5 the podium on one side of the room say, is that
6 the way they were or were they in the middle?

7 A. Say again.

8 Q. In other words, you indicated
9 there was five individuals that were side by
10 side, in relation to you five. Where was the
11 podium? Was it close to the side or in the
12 middle?

13 A. It was in the middle.

14 Q. So they had two people on one
15 side, three people on the other side?

16 A. No, everybody was together. You
17 mean these prisoners or the actual officers.

18 Q. The officers. The officers in
19 relation to you five.

20 A. The officers were in the middle.
21 They were able to see each person in the middle.

22 Q. So if they were in the middle the
23 people were behind them, to the right of them?

24 A. No. They were in front. In front
25 of them.

1 Q. They were all just in front of

2 them?

3 A. They were all in front and the
4 back of the officers was where they kept the
5 clothing, my clothing and other inmates
6 clothing. They would hang them up and hit a
7 button and it would go up just like a dry
8 cleaner. That's where the officers stood at
9 where that machine was located.

10 Q. If you don't mind I'm still not
11 clear about the way this room was. How big was
12 the room?

13 MS. LASK: He described all this
14 with Karen.

15 MR. RUDDY: I have a chance to ask
16 this question.

17 A. The room is a big room. It wasn't
18 a normal size room.

19 Q. Is this the room that was 40 feet
20 that you testified?

21 A. I don't know what I was referring
22 to. When you say 40 feet.

23 Q. Indicated before this room was
24 about 40, you would say double this room.

25 A. And this room broke off in

1 Q. What happened after you were

2 standing there?

3 A. After I was standing there?

4 Q. Yes.

5 A. We were directed to go in the

6 showers, dry off and then you clothe and you go

7 to the next area.

8 Q. So the time that you were standing

9 there is before you were taking the shower and

10 that was for two minutes?

11 A. For two minutes yeah.

12 Q. Various people would take

13 different amounts for the shower?

14 A. No.

15 Q. Everybody came out together?

16 A. No, when we go into the room, all

17 right, this room being the room I was naked in

18 front of the officers and other inmates, naked

19 in front of the officers you go into this, into

20 the stall, you take all your clothes off, all

21 right, you put them on your chair, you get

22 naked.

23 Q. The chair is the circle?

24 A. That's the circle I'm referring

25 to.

1 Q. Okay.

2 A. That's the circle I'm referring

3 to.

4 Q. Okay.

5 A. And you stand there and then each

6 and the other will tell you or direct you

7 exactly what to do. In this case the officer

8 says, okay, open up your mouths. Do you have --

9 does anyone have anything, any substance in

10 their mouths, then the officer asks you directed

11 you to hold your arms to shoulder length and

12 then instructs you to put your hand down, you

13 lift your genitals up. The officer reviews

14 that, he instructs you to turn around. Officer

15 then instructs everybody to bend down to squat,

16 to cough, once we did that he said turn back

17 around and then you went in and then you can

18 take your shower.

19 Q. Okay. Did any of the officers

20 touch you during this time period?

21 A. No.

22 Q. In Burlington County when you had

23 this process none of the others touched you, did

24 they?

25 A. You mean when I was naked?

Albert Florence

1 phone call. You can't take a shower. You're a
2 holdover. We're waiting for you to be
3 transported out of here.

4 Q. I'm just saying did you have any
5 advance warning that you were leaving Burlington
6 County jail?

7 A. Advance warning?

8 Q. Yes?

9 A. No.

10 Q. They just took you out?

11 A. Yes.

12 Q. Now, do you know if there was
13 anything -- when you were being transported to
14 the courthouse, when you said you were tied up
15 in manacles and you were connected to other
16 inmates, do you know if this was the usual
17 practice of Essex County jail in transporting
18 people to the courthouse?

19 A. No.

20 Q. You have no knowledge?

21 A. No.

22 Q. So you don't know if this was an
23 exceptional practice, do you?

24 A. Just an exception just done for
25 that particular day, no. I have no knowledge of

Albert Florence

1 that.

2 Q. Did anybody tell you why they do

3 that?

4 A. Yes.

5 Q. Why they have to put these inmates

6 in leg arms and inmates tied together.

7 A. No.

8

9 (Whereupon, a brief recess is

10 taken.)

11

12 Q. Mr. Florence, aside from what you

13 testified before as to what happened with Judge

14 Falcone, do you know anything else about any of

15 the proceedings before Judge Falcone that day

16 that led to your release?

17 A. No.

18 Q. Do you know what was the basis for

19 the judge releasing you?

20 A. Describe basis.

21 Q. Do you know why the judge released

22 you?

23 A. Yes.

24 Q. Why did he release you?

25 A. Because he noticed that there was

Albert Florence

1 that was owed to the Essex County -- to the

2 probation department; is that correct?

3 A. Say again.

4 Q. This document purports to be a

5 warrant to satisfy a judgment which means money

6 that you owed. The money that you owed was to

7 the probation department. It wasn't to another

8 entity?

9 A. No, just this.

10 MR. RUDDY: No further questions.

11 MS. LASK: I have a few questions.

12 Off the record.

13

14 (Whereupon, a brief recess was

15 taken.)

16

17

18 CROSS-EXAMINATION

19 BY MS. LASK:

20

21 Q. Now the only question I have is

22 going back to Burlington. When you were in that

23 room and the officer that you described as

24 dishevelled had told you to take off all of your

25 clothes at the point when you were standing

Albert Florence

1 naked, tell us exactly where that officer was

2 exactly?

3 A. Where was his position.

4 MR. RUDDY: Remember to mark this.

5 A. He was at arms length.

6 Q. He was at arms length, from your

7 arms length?

8 A. From my arms length.

9 Q. Were you standing?

10 A. Standing.

11 Q. Was he sitting?

12 A. He was sitting.

13 Q. When he was sitting is that when

14 he was giving directions?

15 A. Yes.

16 Q. He was sitting at arms length away

17 from you; is that correct?

18 A. Yes.

19 Q. Was there an table or anything?

20 A. No table.

21 Q. So he was right in front of you;

22 is that correct?

23 A. Yes.

24 Q. And when you were standing in

25 front of him his head was -- where was his head

1 curtain on the other side of the room?

2 A. Yes.

3 Q. That's how he knows you're

4 standing there completely naked?

5 A. Yes.

6 Q. Would anyone else?

7 A. Let me finish the question.

8 Q. With that hatch open -- I'm worse

9 than them. With that half open curtain, isn't

10 that correct?

11 A. Yes.

12 Q. Going back to this diagram of

13 defendant D-2, is it correct that all five

14 inmates walked into the shower stalls first. Am

15 I correct?

16 A. No. All inmates got undressed

17 first.

18 Q. So did they all line up as you

19 have here? You have three, two and one, you in

20 the middle, four, five. Did you first line up

21 and did you take your clothes off right there?

22 A. You take your clothes off right

23 there.

24 Q. So you are taking clothes off

25 while two officers observing you from the

1 podium?

2 A. Yes.

3 Q. So you are undressing in front of

4 them?

5 A. That's correct.

6 MR. RUDDY: Object to the form. You
7 are leading.

8 MS. LASK: Okay.

9 Q. So did you undress in front of the
10 two officers while they watched?

11 A. Yes.

12 Q. And then where did each of you
13 place your clothes when you undressed while they
14 watched?

15 A. On the stool.

16 Q. On the stool behind each of you?

17 A. Yes.

18 Q. Did you have to turn around to put
19 those clothes on the stool?

20 A. Yes.

21 Q. Did you have to turn back around
22 in front of those --

23 A. Yes.

24 Q. Did they give you the instructions
25 of what to do as you testified before?

1 C E R T I F I C A T E

2

3 I, ADRIENNE E. TISDALE-SCOTT, a Certified

4 Shorthand Reporter and Notary Public of the

5 State of New Jersey, do hereby certify that

6 prior to the commencement of the examination,

7 the witness was duly sworn by me to testify to

8 the truth, the whole truth and nothing but the

9 truth.

10 I DO FURTHER CERTIFY that the foregoing is a

11 true and accurate transcript of the testimony as

12 taken stenographically by and before me at the

13 time, place and on the date hereinbefore set

14 forth, to the best of my ability.

15 I DO FURTHER CERTIFY that I am neither a

16 relative nor employee nor attorney nor counsel

17 of any of the parties to this action, and that I

18 am neither a relative nor employee of such

19 attorney or counsel, and that I am not

20 financially interested in the action.

21

22

23

24 ADRIENNE E. TISDALE-SCOTT, CSR
 License No. XI01988

25

CJIS RESPONSE

03/03/2005 19:21

Page 1

Incident No. C020/2005-00006358 Call Code MOTOR VEHICLE STOP
 Date 03/03/2005 THU Rev 19:21:22
 Unit No. 714 Trooper(1) FLYNN, JEFFREY Trooper(2)
 Received Dt 03/03/2005 19:21 Msg Type NJWP Requested By 011110 KAMARAS, VANESSA

NC WDMV Response

MKD/NJ WANTED PERSON

NAME: FLORENCE, ALBERT W 3RD DOB: 09/29/1975 SEX: M

***** NEW JERSEY WANTED PERSONS INQUIRY RESULTS *****

===== MATCH FOR NAME: FLORENCE, ALBERT W 3RD =====

AUTHORITY ORI/NJ0070000 ESSEX CO SHERIFF

DATE OF ENTRY/05-05-2003

WANTED PERSON

NAME: FLORENCE, ALBERT

POB/FL DOB/09-29-1975 SOC/153847115

SEX/M RAC/B HGT/603 WGT/210

EYES/BRO HAIR/BLK SKIN/DRK

FINGER/120512CT101511111207 MNU/OA-326995C

OCN/476503S DOW/04-25-2003 WNU/98-04-01657-I

VIOL/C STA/2A:10-1C CIVIL CONTEMPT

+++ SUPPLEMENTAL INFORMATION TO FOLLOW +++

ADDITIONAL INFORMATION:

DEPP TORSETILLO /1146 SCHMIDT LN N.BRUNSWICK NJ 0890

2 FBI 660053FBS

SIN/W125333501

OPERATOR/Q95DURA

SYN NO:200300384323

----- END OF NAME SEARCH -----

*** END OF NEW JERSEY WANTED PERSONS INQUIRY RESULTS***

11:1

NJNSP65LT

EXHIBIT E

ID - 03.

INMATE INTAKE RECORD

INMATE NUMBER: 105050

DOCUMENT NUMBER: _____

() Initial () Additional () Temporary Commit
 () County BW () GJ Commit () Sentence
 () Municipal

HEARING PLACE: _____

DATE: _____ TIME: _____ BAIL \$ _____

SENTENCE LENGTH: _____

CHARGES: 01 DESC: _____
 02 DESC: _____
 03 DESC: _____
 04 DESC: _____
 05 DESC: _____

COMMITTED BY: _____

DOCUMENT NUMBER: _____

() Initial () Additional () Temporary Commit
 () County BW () GJ Commit () Sentence
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DATE: _____ TIME: _____ BAIL \$ _____

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() Initial () Additional () Temporary Commit
 () County BW () GJ Commit () Sentence
 () Municipal

HEARING PLACE: _____

DATE: _____ TIME: _____ BAIL \$ _____

SENTENCE LENGTH: _____

CHARGES: 01 DESC: _____
 02 DESC: _____
 03 DESC: _____
 04 DESC: _____
 05 DESC: _____

COMMITTED BY: _____

DETAINER NUMBER: 01FROM: DESSex Co. SL, ffCITY: _____ STATE: N.J.

TELEPHONE NUMBER: _____

DATE RECEIVED: 3-3-05REMARKS/CHARGES: 2A 10-1CCivil Contempt

BAIL AMOUNT \$ _____

DETAINER NUMBER: _____

FROM: _____

CITY: _____ STATE: _____

TELEPHONE NUMBER: _____

DATE RECEIVED: _____

REMARKS/CHARGES: _____

BAIL AMOUNT \$ _____

DETAINER NUMBER: _____

FROM: _____

CITY: _____ STATE: _____

TELEPHONE NUMBER: _____

DATE RECEIVED: _____

REMARKS/CHARGES: _____

BAIL AMOUNT \$ _____

JAM0020 Case 1:05-cv-03619-JHE Document 76 Filed 08/01/07 Page 43 of 44 PageID: 578

| SECTION TYPE: SUM | RELEASE BY COURT ORD | KSF: N | PAGE: 1 OF 2 |
|-------------------------|----------------------|-------------|-----------------------|
| DISCHARGED: 03/10/05 | ALBERT J | TOTAL BAIL: | |
| INMATE: FLORENCE | COMMITMENT#: | 07 257885 | TOTAL BOND: |
| COMMIT DATE: 03 09 2005 | JAIL ID: | 0505561 | |
| 1146 SCHMIDT LANE. | SBI#: | 326995C | BCI#: |
| N BRUNSWICK | SP#: | | FBI#: |
| SEX: M | FPC#: | | |
| DOB: 9/29/75 | SS#: 153-84-7115 | CELL: | CUSTODY: |
| LANGUAGES: ENGLISH | | | |
| ASSESSMENT: | | EMPLOYABLE | HAS MEDICAL INSURANCE |
| SKILLS: | | | |

C H A R G E S :

| | | | |
|---------|---------|---------------|-------------------|
| 2C:29-3 | CY AEFH | 007980401657I | B A I L / B O N D |
|---------|---------|---------------|-------------------|

| | | | |
|--------------------|------------|-------------|-------------|
| HINDER PROSECUTION | ESX SUP.CT | E.C.SHERIFF | CS:03/10/05 |
|--------------------|------------|-------------|-------------|

| | |
|------------|----------|
| DETAINERS: | (NONE) |
|------------|----------|

| | |
|-------------------|----------|
| SPECIAL SENTENCE: | (NONE) |
|-------------------|----------|

| | |
|------------|----------|
| SENTENCES: | (NONE) |
|------------|----------|

| | |
|----------|----------|
| ALIASES: | (NONE) |
|----------|----------|

PF7=BACKWARD PF8=FORWARD

NEXT FUNCTION: I

NEXT SECTION: MEN

Inmate: FLORENCE, ALBERT J

Booking #: J200505561

Permanent ID: 2004-024863

| | | | | |
|-------------------------------------|-----------------------|----------------------|------------------|------------------------------------|
| Personal Information | | | | Booking Verification |
| Inmate Name | Last Name FLORENCE | First Name ALBERT | Middle Name J | Affix |
| Birth Date | 09/29/1975 | Sex | Male | Shift 2 |
| Age at Booking | 29 | Current Age | 29 | Book Date 03/09/2005 23:59 |
| Race | BLACK | | | |
| Ethnicity | | | | |
| Marital Status | | | | |
| | | | | Officer ID# Esposito, Salvatore |
| Booking Information | | | | |
| Admission Type | | | | |
| County Code | ESSEX COUNTY | | | |
| Committed By | | | | |
| Transported By | | | | |
| Transporting Officer ID | | | | |
| Arrested By | | | | |
| Inmate ID Numbers | | | | |
| Photo ID# | J200505561 | | | |
| Permanent ID# | 2004-024863 | | | |
| Social Security# | 153-84-7115 | | | |
| SBI# | 326995C | | | |
| CCIS# | 07-257885 | | | |
| FBI# | | | | |
| BCI# | | | | |
| Property Number | | | | |
| St. Prison# | | | | |
| NCIC Check | | | | |
| Check Done | Result | | | |
| DNA Sample Status | | | | |
| Status | Date 00/00/0000 | | | |
| Unclothed Search | | | | |
| Officer Conducting Unclothed Search | | | | |
| Inmate Notes FPC # N/A | | | | |

RECEIVED
ESSEX COUNTY
COUNSEL'S OFFICE
2005 SEP - 8 PM 12:21